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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,195	08/22/2001	Robert E. Novak	4000.2.69	8746

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EXAMINER

CHAN, WING F

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/935,195	<b>Applicant(s)</b> NOVAK ET AL.	
	<b>Examiner</b> Wing F. Chan	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-40, 52, 53 and 60 is/are allowed.
- 6) ☒ Claim(s) 1-20, 41-51, 54-59, 61-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/22/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 11-20, 51, 59, 61-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al (US PAT. NO. 5,754,641 hereinafter Voit) in view of Jonsson (US PAT. NO. 6,463,276 filed Dec. 5, 1997).

As to claims 11-15, 17, 19, 20, 51, 59, Voit discloses a system and method for screening outgoing video communications with in an interactive television system (e.g. see title, abstract) comprising intercepting a video communication request (e.g. trigger event), identifying the recipient (e.g. identifying the dialed digits), blocking the request by a user. For example see col. 6 line 60 to col. 8 line 32.

Voit differs from the claimed invention in not disclosing determining if the recipient is included within an authorized recipient list and forwarding the request when the recipient is identified within the authorized recipient list.

However, it is old and well known in the art for outgoing call screening method and system to comprise an authorized recipient list and determining if the recipient is included within an authorized recipient list (e.g. stored numbers) and forwarding the request when the recipient is identified within the authorized recipient list, for example see Jonsson abstract, Figs. 4, 6, 8, col. 4 line 52 to col. 5 line 64, to protect the user from fraudulent use of the telephone service and controlling the access, use of the telephone service. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit to comprise an authorized recipient list and determining if the recipient is included within an authorized recipient list and forwarding the request when the recipient is identified within the authorized recipient list to protect the user from fraudulent use of the telephone service and controlling the access, use of the telephone service. Furthermore, it would simply the operations of Voit's system without requiring the user to decide and manual enter whether to block the outgoing call or not which can become burdensome on the user.

As to claims 16, 18, it is common knowledge that video communication can be established using cable head-end, Internet, satellite broadcast center, thus, it would have been expedient obvious to one of ordinary skill in the art at the time the invention was made to further modify Voit as modified by Jonsson to comprise such well known networks for making video communications.

As to claims 61, 62, see Jonsson col. 4 lines 12-23 which discloses the number of calls that may be made during a set time period, which reads on rate, quota.

As to claim 63, since Jonsson discloses "a set time period", it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the set time period to be day, week without departing from the scope of Jonsson's teachings.

As to claim 64, although Jonsson does not explicitly disclose the quota comprise an amount of money allocated to the caller, Jonsson's teachings of limiting the amount of calls during a set time period for preventing fraudulent use and control access to the telephone service clearly suggests cost control. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit as modified by Jonsson to have a quota that comprises an amount of money allocated to the caller to avoid overage and excess fees paid.

4. Claims 1-10, 41-50, 54, 55, 57, 58, 61-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit in view of Fleischer, III et al (US PAT. NO. 5,974,133 hereinafter Fleischer).

As to claims 1-10, 41-50, 58, Voit differs from the claimed invention in not disclosing determining if the recipient is included within an unauthorized recipient list and blocking the request when the recipient is identified within the unauthorized recipient list.

However, it is old and well known in the art for outgoing call screening method and system to comprise an unauthorized list and determining if the recipient is included within the list (e.g. stored numbers) and blocking the request when the recipient is identified within the unauthorized list, for example see Fleischer col. 6 lines 8-13, col. 9 lines 25-63, col. 10 lines 52-57, col. 13 line 48 to col. 14 lines 19, 59-61, col. 33 lines 10-30, col. 35 line 56 to col. 36 line 49, col. 40 line 60 to col. 41 line 3, col. 42 lines 36-54, col. 43 line 32 to col. 45 line 9. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit to comprise an unauthorized recipient list and determining if the recipient is included within the unauthorized recipient list and blocking the request when the recipient is identified within the unauthorized recipient list to protect the user from fraudulent use of the telephone service and controlling the cost associated with the access, use of the telephone service (e.g. note that 900, 976 calls cost lots of money per minute). Furthermore, it would simply the operations of Voit's system without requiring the user to decide and manual enter whether to block the outgoing call or not which can become burdensome on the user.

As to claims 54, 55, 57, Fleischer further discloses the unauthorized list is caller specific, i.e. based on the privilege class of the caller.

As to claims 61-64, see Fleischer col. 35 line 56 to col. 36 line 49 for examples.

5. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Voit as modified by Jonsson as applied to claim 11 above, and further in view of Fleischer.

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Voit as modified by Jonsson differs from the claimed invention in not disclosing the authorized list is caller specific. However, it is old and well known in the art to provide outgoing call screening based on the caller's privilege class, i.e. caller specific, for example see Fleischer col. 13 line 52-55. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit as modified by Jonsson to have the authorized list be caller specific to better tailor and individualize the call screening process.

6. Claims 21-40, 52, 53, 60 are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wing F. Chan whose telephone number is 571-272-7493. The examiner can normally be reached on Monday to Friday from 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Wing F. Chan". The signature is fluid and cursive, with the first name "Wing" and last name "Chan" being clearly distinguishable.

Wing F. Chan  
Primary Examiner  
Art Unit 2643

12/9/05